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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/980,326	11/30/2001	Wayne Edward Beimesch	7629	9921

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EXAMINER	
EINSMANN, MARGARET V	
ART UNIT	PAPER NUMBER
1751	5

DATE MAILED: 09/30/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application N .	Applicant(s)	
	09/980,326	BEIMESCH ET AL.	
	Examiner	Art Unit	
	Margaret Einsmann	1751	

-- The MAILING DATE of this c mmunication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____ .

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☐ Claim(s) *12-33* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☐ Claim(s) *12-33* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____ .

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14)☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a)☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .
4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other:

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 12, 13,14,17,18,21,26-30 and 33 are rejected under 35 U.S.C. 102(b) as being anticipated by Bollier et al., US 4,828, 721. Figure 4 discloses a process as claimed wherein two detergent components are pre-mixed and then agglomerated in a fluid bed granulator. The oversized particles are screened, milled and then returned to the process. Some of them are finished by the addition of dye and returned. Undersized particles are recycled into the fluidized bed. See col 11 line 54 to col 12 line 20.

Claims 12-14, 18, 21,26-30 and 33 are rejected under 35 U.S.C. 102(b) as being anticipated by Kruse, US 4,726,908.

Example 1 in column 5 teaches a process of forming detergent agglomerates by mixing detergent ingredients in a ploughshare mixer and then transferring to a fluidized bed granulator and forming dry, free-flowing granules.

Fine and size-reduced coarse fractions were separated out and recycled into the fluidized bed to reprocess them into granules. See col 5 lines 40-65.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claim 31 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kruse in view of Akkermans et al., US 6,056,905. Kruse is relied upon as in the above rejection as teaching a process of forming detergent agglomerates by mixing detergent ingredients in a ploughshare mixer and then transferring to a fluidized bed granulator and forming dry, free-flowing granules. Fine and size-reduced coarse fractions were separated out and recycled into the fluidized bed to reprocess them into granules. See col 5 lines 40-65. He does not disclose the Flux number at which the fluidized bed is operated.

Akkermans et al. disclose a process of forming a granulated detergent product by the use of a gas fluidization granulator which is operated at a flux number of 2-3 to 4.5. See col 5 lines 6-10, lines 61-65, col 6 lines 1-5. It would have been obvious to the skilled artisan to operate the fluidized bed used in the process of Kruse at a flux number of about 2.5 to 4.5 as taught by Akkermans et al. because Akkermans et al. teach that by controlling the flux number, one can produce detergent granules over a range of desired bulk densities, having

idealized particle size distribution and having good flow properties, and from a quality point of view, FN should be between 2.3 and 4.5.

Claim 32 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kruse as applied to the claims above, and further in view of Achanta, WO 99/03964. Kruse is relied upon as set forth in the above two rejections as teaching a process of forming detergent granules and further processing the oversized fractions and recycling them into the fluidized bed granulator. He does not, however, teach that the fluid bed granulator is operated at a particular Stokes Number. It would have been obvious to the skilled artisan who wants to produce a low density detergent to operate the fluidization granulator at a Stokes Number of less than one because Achanta teaches that the density of the detergent may be regulated by operating the fluidization granulator at a selected Stokes Number, and in order to achieve a low density detergent, one uses a Stokes Number of less than one. See page 3 Summary of the Invention, and page 4 first full paragraph.

Claims 13-30 and 33 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Capeci et al., US 5,489,392. Capeci teaches a process as claimed wherein a granular feed stream of detergent actives are fed into a fluidized bed granulator and at least partially agglomerated, said agglomerates are sized to separate oversized and undersized particles, each of which is conditioned, resized and reintroduced into the process. See claims. In example 1 beginning in column 10 line 59, two streams of detergent ingredients are fed into a recycler mixer/densifier, fed to a

conditioning apparatus including a fluid bed dryer and cooler. The undersized particles are recycled to the mixer/densifier to be conditioned and screened and mixed with adjunct ingredients to form a formulated detergent product. In example 2, the additional step of screening the oversized particles exiting the mixer/densifier are sent to a grinder; the oversized particles exiting the fluid bed cooler are sent to the grinder and the ground oversized particles are sent to the fluid bed dryer and/or cooler. The density of the agglomerates is 750 g/l and median particle size is 425 microns. The above disclosure anticipates the instant claims. Capeci does not mention the standard deviation, nor does he exemplify recycling the oversized particles to the premixers. Regarding the standard deviation, the skilled artisan knows that not enough information is given to measure if it is within applicant's range. Applicant is invited to compare the deviation of Capeci's of the granules of Capeci's particles with those of the inventive process. Regarding recycling into premixers, the apparatus in figure 2 shows that particles may be recycled back to the mixer/densifier after being screened, conditioned and ground. Both of the mixer/densifiers used are called recyclers (see col 4 lines 58-60). It would have been obvious to the skilled artisan that the recyclers are used to recycle screened, ground , conditioned particles. (44) to (46) to (48). The fact that ground particles are returned to the mixer/densifier means that said particles were oversized before they were ground

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 17 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 17 recites the limitation ""after said screening step" in line 2. There is insufficient antecedent basis for this limitation in the claim.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Margaret Einsmann whose telephone number is 703-308-3826. The examiner can normally be reached on 7:00 AM - 4:30 PM M-Th and alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Yogendra Gupta can be reached on 703-308-4708. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9310 for regular communications and 703-872-9311 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0661.

Margaret Einsmann
Primary Examiner
Art Unit 1751

September 16, 2003